

**PATENT**

Attorney Docket No. 02730.0020.PCUS00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Sun-Chang Kim  
App. No.: 10/505,328  
Conf. No.: 5904  
Art Unit: To be assigned  
Examiner: To be assigned

Filing Date: October 31, 2002  
Title: CONSTRUCTION OF  
NOVEL STRAINS  
CONTAINING MINIMIZING  
GENOME BY Tn5-COUPLED  
Cre/loxP EXCISION SYSTEM

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(B)**

Mail Stop Petition  
Office of Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Dear Sirs:

The above-identified application became abandoned for failure to file a timely and proper reply to the Notification to Comply with Raw Sequence Listing (Office Action), as mailed on April 26, 2007, which set a 2-month period for reply. The Notification of Abandonment was mailed on November 14, 2007; both of said communications were sent to Applicants' former counsel of record, namely Morrison & Foerster.

Applicants' respectfully petition the Commissioner of Patents and Trademarks to revive the instant application and provides herewith the following: (1) petition fee under 37 C.F.R. § 1.17(m) in the amount of \$770; (2) complete response to the aforementioned Office Action to provide a "Raw Sequence Listing", as mailed on April 26, 2007. No terminal disclaimer is believed necessary in this petition, since the application was filed after the cut-off date for requiring a Terminal Disclaimer under 37 C.F.R. 1.137(d).

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. The above mentioned Office Action, dated April 26, 2007, was mailed to prior counsel. Applicants' current


counsel has no prior record of receiving a copy of the Office Action from either the Patent Office or from prior counsel. Accordingly, a timely response to the Office Action was not possible. Applicants' respectfully request revival of this application be granted in accordance with the provisions under 37 C.F.R. 1.137(b).

The Commissioner is hereby authorized to charge any additional fees be deemed necessary for any reason relating to this document, or credit any overpayment, to Deposit Account 08-3038, referencing the above-identified attorney docket number.

Respectfully submitted,

HOWREY LLP

By:

  
\_\_\_\_\_  
David B. Fournier  
Registration No. 51,696  
Telephone No.: 312-846-5621

**CUSTOMER NUMBER 22930**  
C/O IP DOCKETING DEPARTMENT  
HOWREY, LLP  
2941 FAIRVIEW PARK DR. STE 200  
FALLS CHURCH, VA 22042-9922  
Chicago, IL 60690-2828  
Telephone: (312) 595-1408  
Facsimile: (312) 264-0366

Date: April 14, 2008